

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ALICIA JARDINE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:19CV12
	)	
ANDREW SAUL,	)	
Commissioner of Social	)	
Security,	)	
	)	
Defendant.	)	

**ORDER**

This matter is before this court for review of the Memorandum Opinion and Recommendation ("Recommendation") filed on September 1, 2010, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 20.) In the Recommendation, the Magistrate Judge recommends that the Commissioner's decision finding no disability be affirmed, that Plaintiff's Motion for Judgment Reversal or Modification of Disability Decision and/or Remand for Rehearing, (Doc. 13), be denied, that Defendant's Motion for Judgment on the Pleadings, (Doc. 17), be granted, and that this action be dismissed with prejudice. The Recommendation was served on the parties to this action on September 1, 2020. (Doc. 21.) On September 23, 2020, Plaintiff filed a Supplement, (Doc. 22). To the extent the Supplement was intended to serve as

objections to the Recommendation, the objections were not filed within the time limit prescribed by Section 636.

Plaintiff's Supplement is simply a copy of a recent Administrative Law Judge ("ALJ") determination dated August 5, 2020, granting Plaintiff's request for disability determination for the period beginning January 12, 2018. To the extent Plaintiff is asking the court to consider this new evidence, or to remand for consideration under 42 U.S.C. § 405(g) Sentence Six, this evidence is not material to the time period from April 2015 to November 2017. See Baker v. Comm'r of Soc. Sec., No. 12-1709, 2013 WL 1866936, at \*1 n.1 (4th Cir. May 6, 2013) ("[A] subsequent favorable decision itself, as opposed to the evidence supporting the subsequent decision, does not constitute new and material evidence under § 405(g)." (quoting Allen v. Comm'r, 561 F.3d 646, 653 (6th Cir. 2009))). Here, the August 5, 2020 decision relies on evidence from 2018 and 2019, which is consistent with Plaintiff's contention in the briefing that her condition has worsened since the ALJ's 2017 decision, and there is not a reasonable possibility that this evidence would change the administrative determination for the period prior to November 20, 2017.

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified

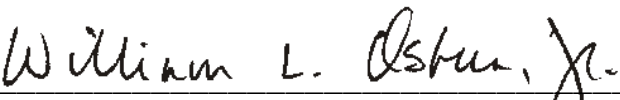
proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

The court has reviewed Plaintiff's objections and has made a de novo determination that they do not change the substance of the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 20), is **ADOPTED**. **IT IS FURTHER ORDERED** that Plaintiff's pro se Motion for Judgment Reversal or Modification of Disability Decision and/or Remand for Rehearing, (Doc. 13), is **DENIED**, that Defendant's Motion for Judgment on the Pleadings, (Doc. 17), is **GRANTED**, that the Commissioner's decision is **AFFIRMED**, and that this action is dismissed with prejudice.

A judgment dismissing this action will be entered contemporaneously with this Order.

This the 28th day of September, 2020.

  
\_\_\_\_\_  
United States District Judge